



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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JUL 20 2004

OFFICE OF PETITIONS

In re Application of  
Randall G. Banton  
Application No. 10/076,124  
Filed: February 14, 2002  
Attorney Docket No. 102323-88

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Files Repository.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA-22313-1450, on the date shown below.

Dated: 7/9/04

Signature:

(David J. Powsner)

Docket No.: 102323-88  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Randall G. Banton

Confirmation No.: 8888

Patent No.: 6,759,588

10/076124

Group Art Unit: 2831

Filed: February 14, 2002

Examiner: Ngo, Hung V.

For: CIRCUIT BOARD ASSEMBLY WITH A  
COMBINATION THERMAL, SHOCK,  
VIBRATION, AND/OR ELECTROMAGNETIC  
COMPATIBILITY COVER

**RECEIVED**

JUL 14 2004

**OFFICE OF PETITIONS**

**Payment of Deficiency Owed per 1.28(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Although established and paid in good faith as a small entity, it has been discovered that status as a small entity was established in error at the time of filing. The total deficiency is found to be \$1,203, for which a check is enclosed. An itemization of the fees paid in error, the date of each payment and deficiency owed is listed below.

Fee	Current fee for a non-small entity	Small Entity Fee Paid	Date Small Entity Fee Paid	Deficiency Owed
Issue Fee	\$1,330	\$665.00	December 30, 2002	\$665.00
One Month Extension Fee	\$110.00	\$55.00	May 17, 2002	\$55.00
Basic Filing Fee	\$770.00	\$370.00	May 17, 2002	\$400.00

07/15/2004 AKELLEY 00000028 10076124

01 FC:1461  
02 FC:1461

55.00 OP  
1148.00 OP

2 Extra Claims	\$36.00	\$18.00	May 17, 2002	\$18.00
Late Oath and Declaration Fee	\$130.00	\$65.00	May 17, 2002	\$65.00
Total	\$2,246	\$1,108		\$1,203

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this Application by this firm) to our Deposit Account No. 141449, under Order No. 102323-88. A duplicate copy of this paper is enclosed.

Dated: 7/9/04

Respectfully submitted,

By 

David J. Powsner

Registration No.: 31,868

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RE: DJP 102323- 00

